

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Revenue Department –Sri K.Balakishan, formerly Tahsildar, Mahamutharam Mandal, Karimnagar District (now retired) – Violation of Conduct Rules - Sanction under Rule 9 of Andhra Pradesh Revised Pension Rules, 1980 – Article of Charges communicated – Explanation submitted - Provisional decision to impose a punishment of 10% cut in pension for a period of one (1) year – Show Cause Notice – Issued– Representation submitted – Impose a punishment of 10% cut in pension for a period of one year– orders - Issued

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REVENUE (VIGILANCE-II) DEPARTMENT

**G.O.Rt.No.1041**

**Dated:06.07.2013**

**Read the following:**

1. From DG, ACB, Lr.Rc.No.11/RCT-KNR/2009, dt.07/2010.
2. Govt.Memo.No.2768/Vig.II(2)/2009-1, dated 23.03.2011.
3. From the CCLA, Hyderabad, Lr.No.VSI(4)/214/ 2009, dated 24.9.2011
4. G.O.Ms.No.2164, Rev.(Vig.II) Department, dated 2.12.2011.
5. G.O.Rt.No.1432, Rev (Vig.II) Deptt., dated 02.12.2011.
6. Written statement of defence of Sri K.Balakrishan, former Tahsildar (now reted) dated 28.12.2011..
7. Government Memo No.2768/Vig.II(2)/2009-9, dt.23.05.2012.
8. Representation from Sri K.Balakishan, formerly Tahsildar (now retired), dt.23-6-2012.
- 9)Letter No.2768/Vig.II(2)/2009-11, dt. 25-3-2013.
- 10)From Secretary APPSC Lr.No.765/RT/3/2013 dated 18-04-2013

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**ORDER:**

In the reference 1<sup>st</sup> cited, the investigating agency i.e. the Director General, Anti Corruption Bureau has reported that the Anti Corruption Bureau authorities have trapped Sri K.Balakishan, formerly Tahsildar, Maha Mutharam Mandal, Karimnagar District on 19.1.2009 when he demanded and accepted an amount of Rs.10,000/- from Sri Boda Bhaskar, S/o Balaiah, R/o Mahamutharam (V) & (M), Karimnagar District for showing official favour to appoint him as Village Servant (Sunkari) of Mahamutharam (V) & (M). He has further reported that they have conducted investigation and found that the Accused Officer has failed to submit his Annual Property Returns to the department till the year ending 31.12.2008 and he has violated rule 9 (7) of APCS (Conduct) Rules, 1964. Therefore, the Director General, Anti Corruption Bureau has requested to initiate departmental action against him.

2. After examining the matter, Govt. have initiated disciplinary action against Sri K.Balakishan, Tahsildar (Retd) under rule 9 of APRP Rules, 1980 for not submission of his Annual Property Returns to the department till the year ending 31.12.2008 and he has violated rule 9 (7) of APCS (Conduct) Rules, 1964 and charges were framed against him in the reference 5<sup>th</sup> cited for his written statement of defence.

(P.T.O)

3. In the reference 6th cited, Sri K.Balakishan, formerly Tahsildar, Mahamutharam Mandal of Karimnagar District has submitted his written statement of defence stating that he was appointed in Revenue Department as Lower Division Clerk cadre on 25.06.1976 and thereafter, because of his sincerity, honesty, integrity and devotion to duty, he got promotions to the next higher categories and subsequently, he was promoted as Tahsildar in the year 2005. He was not aware that he has to submit movable and immovable property statement of returns. He was not informed of the fact in the matter by any source that he has not submitted movable and immovable property returns as required under APCS (Conduct) Rules. He was ignorant of such rules and unfortunately the authorities have also neither reminded him nor insisted for such returns at any point of time. He has also submitted that his failure to submit the Annual Property Returns of movable and immovable property returns is not intentional but only due to ignorance of rules and he came to know about the existence of such rules only after receipt of the charge Memo. If at all, he was aware of existence of such rules, he could have submitted such returns without any hesitation. He has not acquired any immovable properties in his entire service either in his name and in the names his family members. He is also not aware of the rules cited in the charges, there was no practice of submission of annual property returns by any sub-ordinate staff in Karimnagar District and he was not the only the person who erred on this account. No action was taken against hundreds of employees who have not submitted the returns. Non submission of Annual Property Returns was not at all intentional and therefore, it may not be construed as contravention of the instructions contained in APCS (Conduct) Rules. According to the instructions issued in Cri.Memo.No.695/ Ser.C/2006, General Administration Department, dated 12.10.2006, the punishment of "censure" has to be awarded to the Government servant for failure to submit APRs. He has already retired from service on superannuation on 30.04.2011 and as per the said instructions the punishment of "Censure" cannot be imposed on him and he has requested to consider his submission on humanitarian grounds and drop further action against him.

4. After examining the matter and the representation of the Charged Officer, Government have taken a provisional decision to impose a punishment of 10% cut in pension for a period of one (1) year. In the reference 7<sup>th</sup> read above, a show cause notice was issued to Sri K.Balakishan, Tahsildar (Retd) for his representation. In the reference 8<sup>th</sup> cited to Sri K.Balakishan, formerly Tahsildar (now retired) has submitted his explanation which is the same representation as already submitted to Government earlier.

5. After examining the matter and the representation of the Charged Officer, Government have observed that the main contention of the Charged Officer is that due to lack of awareness of rules he could not file his Annual Property Returns which cannot be accepted since ignorance of rules is not an excuse and there is no need for conducting any enquiry since he has admitted the charge.. Hence, Government hereby impose a punishment of 10% cut in pension for a period of one (1) years on Sri S K.Balakishan, formerly Tahsildar (now retired) after due consultation with A.P. Public Service Commission and the order are not in prejudice to criminal case

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pending against the Charged Officer. A copy of the Andhra Pradesh Public Service Commission concurrence is enclosed herewith.

6. The Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad is requested to take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**S.P. SINGH**  
**PRINCIPAL SECRETARY TO GOVERNMENT**

To  
The Chief Commissioner of Land Administration,  
A.P., Hyderabad.  
The District Collector, Anantapur.  
Sri K.Venkateswarlu, formerly Mandal Revenue Officer,  
Peddappur (M), Ananthapur District through Collector, Ananthapur.  
The Secretary, Andhra Pradesh Public Service Commission,  
Hyderabad.  
The Accountant General, Andhra Pradesh, Hyderabad.  
S.f./S.c.

//FORWARDED BY ORDER//

SECTION OFFICER